

the District by any and every act of legislation which Congress may deem conducive to that end.¹

75. Territories and insular possessions.—Art. I, Sec. 8, Cl. 17 of the Constitution relates expressly to lands acquired by the United States with the consent of the “Legislature of the State.” It is, therefore, not applicable to lands acquired by the United States in Territories or insular possessions.

The ultimate power of Congress over Territories is complete and absolute. It arises from and is incidental to the right to acquire the Territory itself, and from the power given by the Constitution to make all needful rules and regulations respecting the Territory or other property belonging to the United States. (*Mormon Church v. United States*, 136 U. S. 1, 34 L. ed. 481.)

While Congress has delegated to the Territories and insular possessions the power to legislate with respect to their own municipal affairs, their laws are subject to the express or implied approval of Congress, and may be superseded at any time by direct legislation of Congress. Thus, in enacting laws they act as instruments of the Federal Government in the performance of Federal powers and their officers and agents, in administering such laws, perform Federal functions. It was said in *United States v. McMillan* (165 U. S. 504), “Congress, having the entire dominion and sovereignty, national and municipal, Federal and state over the Territories of the United States, so long as they remain in the territorial condition, may itself directly legislate for any Territory, or may extend the laws of the United States over it, in any particular that Congress may think fit * * *. Congress may not only abrogate laws of the territorial legislatures, but it may itself legislate directly for the local government. It may make a void act of the territorial legislature valid, and a valid act void. In other words, it has full and complete legislative authority over the people of the Territories and all the departments of the territorial governments.” It is within the discretion of Congress to legislate for such areas directly through its own enactments or indirectly through action of the local government pursuant to the powers delegated to it by Congress.

However, notwithstanding the right of Congress to modify or revoke any laws passed by territorial legislatures, it is recognized that if Congress has by the organic act establishing the territory, or by other legislation, given the territorial government power which is inconsistent with exclusive jurisdiction of the United States, then the Federal Government does not exercise such exclusive jurisdiction so long as that power remains in force.²

¹ *Gudmundson v. Cardillo*, 126 Fed. (2) 521, aff'g 35 Fed. Supp. 527; see also *Keller v. Potomac Electric Power Co.*, 261 U. S. 428, 442, 43 S. Ct. 445; 67 L. ed. 731; *Nield v. District of Columbia*, 71 App. D. C. 306, 110 Fed. (2) 246; *Frend v. United States*, 69 App. D. C. 281, 100 Fed. (2) 691, cert. denied 306 U. S. 640, 83 L. ed. 1040, 59 S. Ct. 488.

² *Balzac v. Puerto Rico*, 258 U. S. 298, 304; *Downs v. Bidwell*, 182 U. S. 244; *Lastra v. New York & Puerto Rico S. S. Co.*, 2 Fed. (2) 812; *Sancho v. Bacardi Corporation of America*, 109 Fed. (2) 57, 63.